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August 26, 2022

**VIA ECF**

Honorable Denise L. Cote  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Dunn, et al. v. City of New York  
21-CV-09012 (DLC)

Your Honor:

I am a Senior Counsel in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter. Defendant writes to respectfully request that the Court grant a month extension of time, *nunc pro tunc*, for defendant to respond to plaintiffs' settlement demand, from August 22, 2022 to September 21, 2022. This request is made with plaintiffs' consent.

By way of background, plaintiffs allege, *inter alia*, that the New York City Department of Correction provided inadequate conditions for plaintiffs and similarly situated incarcerated individuals. At the initial conference, held on May 26, 2022, the Court directed the parties to engage in informal discovery in June and July 2022, and referred the parties to the Southern District's Court-annexed Mediation program.

To date, the parties have begun to engage in settlement discussions with defendant exchanging some informal information and plaintiffs providing an initial settlement demand, with defendant's response to the demand due on August 22, 2022. The parties are discussing proposed dates for the mediation to take place at the end of September 2022. Defendant advised plaintiffs that given how extensive their demand is, both in potential class size and in monetary demand, more time would be needed to assess the case and obtain settlement authority, as the process for potential settlement for such a class action required multiple levels of approvals at the City and Comptroller's office. As such, defendant requests an extension of time to respond to plaintiffs' settlement demand, from August 22, 2022 to September 21, 2022. Upon information and belief, this would affect no other deadlines in this matter.

Therefore, defendant writes to respectfully request that the Court grant a month extension of time, *nunc pro tunc*, for defendant to respond to plaintiffs' settlement demand, from August 22, 2022 to September 21, 2022. The parties will then be in a position to participate in a meaningful mediation session. Thank you for your consideration herein.

Respectfully submitted,

/s/

John Schemitsch

*Senior Counsel*

cc: VIA ECF  
All Counsel of Record

*Granted.*  
*James C. H.*  
*8/26/22*